

S.R. 926 - By Montford: Commending Dealey Herndon of Austin, Executive Director of the State Preservation Board, for her leadership in the Texas Capitol restoration.

S.R. 927 - By Ellis: Congratulating Yvette R. Baldwin on her graduation from Texas Southern University.

ADJOURNMENT

On motion of Senator Leedom, the Senate at 12:53 p.m. adjourned until 9:30 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 3, 1995

INTERGOVERNMENTAL RELATIONS — **S.B. 1676** (Amended), **H.B. 2062** (Amended), **H.B. 3166**, **H.B. 3134**, **H.B. 1818**, **S.B. 1695**, **S.B. 1163**, **H.B. 27**, **H.B. 1531**, **C.S.S.B. 1535**, **C.S.S.B. 1462**, **C.S.S.B. 930**, **C.S.H.B. 3157**

May 4, 1995

ADMINISTRATION — **H.C.R. 81**, **H.C.R. 160**

INTERGOVERNMENTAL RELATIONS — **C.S.S.B. 664**, **C.S.S.B. 1372**, **C.S.S.J.R. 47**

NATURAL RESOURCES — **C.S.S.B. 742**

SIXTY-FIFTH DAY (Friday, May 5, 1995)

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Ellis, Madla.

A quorum was announced present.

The Reverend Robert Koke, Christian Faith Center, Austin, offered the invocation as follows:

Heavenly Father, I want to thank You for all Your rich blessings. From every corner of my heart I want to give You praise that You are worthy of. Today we gather in this chamber to debate and consider what is best for our state. Grant to each Senator and Representative the wisdom they need to make the right decisions. Let their actions today prove to be the right ones in the years ahead. You said in Your word that if we, Your people, would humble ourselves and pray, that You would hear our prayers and heal our land. If there ever was a time where we need Your healing touch, it is now. Mend our hurts and create opportunities for all. We pray in Jesus' name. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Ellis was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Madla was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

House Chamber
May 5, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 668, Relating to civil remedies for deceptive trade practices and certain related consumer claims.

H.B. 1111, Relating to the provision of protective services to persons who are elderly or disabled.

H.B. 2294, Relating to the regulation of groundwater; granting the power of eminent domain.

H.B. 2441, Relating to the amendment, extension, or renewal of a permit for a solid waste facility.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1704
S.B. 1705
S.B. 1706
S.B. 1707
S.B. 1708

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

CAPITOL PHYSICIAN

Senator Harris was recognized and presented Dr. Frederic Johnson of Fort Worth as the "Doctor for the Day."

The Senate welcomed Dr. Johnson and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

S.B. 12	S.B. 548
S.B. 368	S.B. 688
S.B. 410	S.B. 1060
S.B. 529	S.B. 1098

SENATE CONCURRENT RESOLUTION 128

Senator Zaffirini offered the following resolution:

S.C.R. 128, Commending the Texas Math and Science Hotline for providing an efficient, cost-effective vehicle for facilitating university-school collaborations.

The resolution was read.

On motion of Senator Zaffirini and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate representatives from the Texas Math and Science Hotline.

The Senate welcomed its guests.

(Senator Truan in Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 5, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE DEPARTMENT OF INFORMATION
RESOURCES BOARD OF DIRECTORS for a term to expire February 1,
2001:

JENNIFER STAMPER, Ed.D.
1520 Bella Vista
Dallas, Texas 75218

Dr. Stamper will be replacing Dr. Donald A. Maxwell of Bryan, whose term expired.

TO BE MEMBERS OF THE TEXAS TURNPIKE AUTHORITY BOARD
OF DIRECTORS for terms to expire February 15, 2001:

LEAHROY S. WROTEN
430 Lakewood
Fairview, Texas 75069

Mrs. Wroten will be replacing Stephen Lloyd Van of Dallas, whose term expired.

JERE W. THOMPSON, JR.
6043 Aberdeen Avenue
Dallas, Texas 75230

Mr. Thompson is being reappointed.

TO BE A MEMBER OF THE TEXAS WORKERS' COMPENSATION
INSURANCE FUND BOARD OF DIRECTORS for a term to expire
February 1, 1999:

FERNANDO REYES, JR.
12711 Old Wick Road
San Antonio, Texas 78230

Mr. Reyes will be filling the unexpired term of James P. Simpson of Texas City, who resigned.

TO BE MEMBERS OF THE TEXAS WORKERS' COMPENSATION
INSURANCE FUND BOARD OF DIRECTORS for terms to expire
February 1, 2001:

PAT O'NEAL
4131 Briarbend Road
Dallas, Texas 75287

Ms. O'Neal will be replacing Joe R. Fulton of Corpus Christi, whose term expired.

TOMMY G. SALOME
1019 Chapman Road
Crawford, Texas 76638

Mr. Salome will be replacing Irma E. Guzman Flores of San Antonio, whose term expired.

MARTIN H. YOUNG, JR.
3 Red Sable Point
The Woodlands, Texas 77380

Mr. Young will be replacing Walter D. Davis III of Houston, whose term expired.

TO BE MEMBERS OF THE GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED for terms to expire January 31, 2001:

MICHAEL DAVID CONNOLLY
5222 Northway, No. 13
Nacogdoches, Texas 75961

Mr. Connolly will be replacing Dr. Crispin E. Sanchez of Laredo, whose term expired.

FRANKIE D. SWIFT
P.O. Box 43
Miles, Texas 76861

Mrs. Swift will be replacing Marcia M. Grimsley of Austin, who resigned.

TO BE JUDGE OF THE NINETY-FIRST JUDICIAL DISTRICT COURT, EASTLAND COUNTY, until the next General Election and until his successor shall be duly elected and qualified:

STEVEN RAY HEROD
201 Homer
Ranger, Texas 76470

Mr. Herod will be replacing Jim W. Wright of Eastland, who was elevated to the position of Justice of the 11th Court of Appeals.

TO BE A MEMBER OF THE STATE BANKING BOARD for a term to expire January 31, 1997:

PATRICIA CRAWFORD PEALE
1111 Kiowa Drive, West
Lake Kiowa, Texas 76240

Mrs. Peale will be replacing Jane H. Macon of San Antonio, whose term expired.

TO BE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM BOARD OF TRUSTEES for terms to expire February 1, 2001:

KATHLEEN GUNN BUEHNER
928 Kingston Drive
Mansfield, Texas 76063

Mrs. Buehner will be replacing Michael R. Siebe of Beaumont, whose appointment was withdrawn.

RICK MENCHACA
4500 Belton Place
Midland, Texas 79707

Mr. Menchaca will be replacing Jim D. Starr of Hurst, whose term expired.

TO BE MEMBERS OF THE TEXAS COMMISSION ON JAIL STANDARDS for terms to expire January 31, 2001:

THE HONORABLE LARRY T. CRAIG
166 Surrey Trails
Tyler, Texas 75705

Judge Craig will be replacing Judge Josephine W. Miller of Sinton, whose term expired.

MARCIA WHITE SAUNDERS
104 Molala Cove
Lake Kiowa, Texas 76240-0940

Mrs. Saunders will be replacing J. David Nelson of Lubbock, whose term expired.

TO BE MEMBERS OF THE TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY for terms to expire January 31, 2001:

K. MICHAEL CONAWAY, CPA
1603 Stanolind
Midland, Texas 79705

Mr. Conaway will be replacing Roger B. Clark of Stamford, whose term expired.

JERRY A. DAVIS, CPA
811 Barryknoll Court
Houston, Texas 77079

Mr. Davis will be replacing Ronnie Rudd of Houston, whose term expired.

APRIL L. EYEINGTON, CPA
1006 Falcon
College Station, Texas 77845

Mrs. Eyeington will be replacing William R. Cox of Houston, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY for a term to expire January 31, 2005:

JIMMY LEE MASON, CPA
6607 Orlando Avenue
Lubbock, Texas 79413

Mr. Mason will be replacing Leopoldo P. Botello, Jr., of San Antonio, whose term expired.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY OF TEXAS for a term to expire March 15, 1999:

HORACE PERRY FLATT, Ph.D.
209 Brookhollow Drive
Terrell, Texas 75160

Dr. Flatt will be replacing C. L. McCuistion, Jr., of Forney, whose term expired.

TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE TRINITY RIVER AUTHORITY OF TEXAS for terms to expire March 15, 2001:

VALERIE FREEMAN
4526 Laren Lane
Dallas, Texas 75244

Mrs. Freeman will be replacing Michaux Nash, Jr., of Dallas, whose term expired.

WILLIAM H. HODGES
241 Hickory
Huntsville, Texas 77340

Mr. Hodges will be replacing Robert D. Hunter, Jr., of Huntsville, whose term expired.

WILLIAM M. KEY
P.O. Box 829
Athens, Texas 75751

Mr. Key will be replacing Joseph C. Gerard of Malakoff, whose term expired.

MAURICE L. LOCKE
P.O. Box 4010
Liberty, Texas 77575

Mr. Locke is being reappointed.

H. GENE REYNOLDS, JR.
P.O. Box 147
Fairfield, Texas 75840

Mr. Reynolds is being reappointed.

WANDA WHITE STOVALL
4009 Inwood Drive
Fort Worth, Texas 76109

Mrs. Stovall will be replacing Erma Johnson of Fort Worth, whose term expired.

DOUGLAS LEE SUMRALL
Route 6, Box 6907
Palestine, Texas 75801

Mr. Sumrall will be replacing Jack A. Coleman, Jr., of Palestine, whose term expired.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

SENATE RESOLUTION 928

Senator Barrientos offered the following resolution:

WHEREAS, Citizens of Mexico and Americans of Mexican ancestry always remember with great pride "El Cinco de Mayo," the memorable date which recalls the triumph of Mexico over an invading French army at Puebla; and

WHEREAS, On May 5, 1862, a valiant but ill-equipped Mexican army, led by Texas native General Ignacio Zaragoza, defeated the French army of Emperor Napoleon III; and

WHEREAS, Considered the best army at the time, the French were decisively routed by General Zaragoza and his brave soldiers, thus delaying the French occupation of Mexico for more than a year; and

WHEREAS, One of the most glorious victories in Mexican history, the Battle of Puebla galvanized the Mexican people and inspired them to unite as a nation and gain control of their own destiny; and

WHEREAS, It is appropriate that Texans recognize the significance of this great victory in the history of our neighbors to the south and pay tribute to the memory of Ignacio Zaragoza and his courageous troops; and

WHEREAS, Each year on May 5, cities and towns across Texas and Mexico take on a festive air as they commemorate the first victory over the foreign invaders and celebrate a hard-won freedom; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby pay homage to the heroism of those who fought for independence on El Cinco de Mayo and recognize the great value of the celebration in building a sense of community among all citizens of our state; and, be it further

RESOLVED, That a copy of this Resolution be prepared in remembrance of this great victory for the people of Mexico and Texas.

BARRIENTOS	MADLA
GALLEGOS	ROSSON
LUCIO	TRUAN
LUNA	ZAFFIRINI

The resolution was read.

On motion of Senator Armbrister and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos, the resolution was adopted by a viva voce vote.

CONCLUSION OF MORNING CALL

The Presiding Officer at 9:54 a.m. announced the conclusion of morning call.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Bivins.

Senator Bivins moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

Member, Texas Natural Resource Conservation Commission: R. B. "RALPH" MARQUEZ, Galveston County.

Members, Texas Water Development Board: DR. ELAINE MOWINSKI BARRON, El Paso County; CHARLES L. GEREN, Tarrant County; LYNWOOD SANDERS, Orange County.

Member, The Finance Commission of Texas: STEVEN C. HASTINGS, Tarrant County.

Members, Nueces River Authority Board of Directors: MARGARET BOWMAN, Kinney County; CLEO BUSTAMANTE, JR., Dimmit County; THOMAS R. FAULKENBERRY, Kinney County; GEORGE A. FINLEY III, Nueces County; LUCINDA J. GARCIA, Jim Wells County; ROBERT D. JOHANSON, Live Oak County; SUSAN ALLEN LYNCH, Uvalde County; MARY MELISSA RAMOS, Wilson County; CELINA SOLIS, Duval County; PATRICIA H. SUGAREK, Bee County; PAULA S. WADDLE, Nueces County; JANNA WHATLEY WILLIAMS, San Patricio County; ALFREDO ZAMORA, JR., La Salle County.

Members, Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons: KAREN ALLISON, Travis County; PAMELA J. DAGGETT, Travis County; LEWIS LEON EVANS, Montgomery County; SUE EVANS, Williamson County; PATRICIA KRALL MARTIN, Travis County; HOLLIS F. PINYAN, Smith County; R. WAYNE SANDERS, Travis County; LETICIA M. TURNER, Harris County.

Member, Texas Woman's University Board of Regents: NAN HUTCHINS BAILEY, Smith County.

HOUSE BILL 1091 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1091, Relating to the consolidation of the Texas Workers' Compensation Research Center and the Legislative Oversight Committee for workers' compensation and to the functions of the new entity.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 1091**, as engrossed, on page 8, by striking the language on lines 7 and 8 and substituting the following: "vice chairman, with the lieutenant governor designating the first chairman and the speaker the first vice chairman."

The committee amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **H.B. 1091** as follows:

(1) In SECTION 3, subsection (a), strike "August 31, 1995" (House engrossment printing page 16, line 9) and substitute "August 30, 1995" in lieu thereof.

(2) In SECTION 6, strike "September 1, 1995" (House engrossment printing page 16, line 26) and substitute "August 30, 1995" in lieu thereof.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1091 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1091** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

HOUSE JOINT RESOLUTION 50 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.J.R. 50, Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board.

The resolution was read second time.

Senator Barrientos offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend **H.J.R. 50** as follows:

(1) On page 1, line 11, amend SECTION 1, Subsection (a), by striking "\$200" and substituting "\$400" in its place.

(2) On page 2, line 19, amend SECTION 2, by striking "\$200" and substituting "\$400" in its place.

The committee amendment was read and was adopted by a viva voce vote.

The resolution as amended was passed to third reading by a viva voce vote.

HOUSE JOINT RESOLUTION 50 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.J.R. 50** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

(President in Chair)

HOUSE BILL 686 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 686, Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 686** as follows:

(1) On page 2, line 10, amend SECTION 4, Subsection (a), paragraph (2), by striking "\$200" and substituting "\$400" in its place.

(2) On page 2, line 21, amend SECTION 6, by striking "\$200" and substituting "\$400" in its place.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 686 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 686** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 439 ON SECOND READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration at this time:

S.B. 439, Relating to the additional sales tax for ad valorem property tax relief.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Harris, Haywood, Henderson, Leedom, Lucio, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Turner, Wentworth, West, Zaffirini.

Nays: Gallegos, Luna, Truan, Whitmire.

Absent: Galloway.

Absent-excused: Ellis, Madla.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 439 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 439** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Harris, Haywood, Henderson, Leedom, Lucio, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Turner, Wentworth, West, Zaffirini.

Nays: Gallegos, Luna, Truan, Whitmire.

Absent: Galloway.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1009 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1009, Relating to the sanctions for acting as a life insurance counselor without a license or violating certain laws applicable to life insurance counselors; providing a criminal penalty.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1009** as follows:

In SECTION 1, proposed Sec. 7(a) strike the letter, "**B**" and replace it with the letter, "**C**".

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1009 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1009** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1074 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1074, Relating to the operations of a grand jury; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1074 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1074** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Bivins was recognized and introduced to the Senate a group of students from the Leadership Muleshoe Class of Muleshoe High School.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

H.C.R. 161	H.B. 767	H.B. 1737
H.C.R. 25	H.B. 3168	H.B. 1503
H.C.R. 58	H.B. 2068	H.B. 637
H.C.R. 163	H.B. 1235	H.B. 2028
H.C.R. 181	H.B. 1294	H.B. 1486
H.C.R. 143	H.B. 2183	H.B. 1689
H.B. 645	H.B. 2066	H.B. 1090

(Senator Bivins in Chair)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1322 ON SECOND READING**

Senator Armbrister moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1322, Relating to required procedures in contested cases before the Texas Natural Resource Conservation Commission involving the issuance, amendment, renewal, or revocation of certain permits.

The motion was lost by the following vote: Yeas 18, Nays 10. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brown, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner, Wentworth.

Nays: Barrientos, Cain, Gallegos, Luna, Moncrief, Rosson, Truan, West, Whitmire, Zaffirini.

Absent: Montford.

Absent-excused: Ellis, Madla.

SENATE BILL 1611 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1611, Relating to the unsuitability of certain solid waste facility sites.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1611 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1611** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 1612 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1612, Relating to the review of certain permitted solid waste facilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1612 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1612** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 1613 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1613, Relating to a clarification of the authority for denial, amendment, suspension, or revocation of permits under the Solid Waste Disposal Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1613 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1613** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

(President in Chair)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1376 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1376, Relating to the annexation of certain areas located in certain municipal utility districts.

On motion of Senator Wentworth and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

**COMMITTEE SUBSTITUTE
SENATE BILL 1697 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1697, Relating to the storage, processing, and disposal of radioactive waste, low-level waste, and mixed waste.

The bill was read second time.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1697** as follows:

On page 1, line 12, between "a" and "hazardous", insert "commercial".

The amendment was read.

On motion of Senator Bivins and by unanimous consent, Floor Amendment No. 1 was withdrawn.

Senator Rosson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 1697** by adding a new subsection (c) to Sec. 401.2072 after line 25 to read as follows:

(c) this section applies only to a private entity that held a permit to operate a commercial hazardous waste landfill on January 1, 1995.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1697 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1697** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Moncrief.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

SENATE BILL 1338 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1338, Relating to the administration of the judicial and court personnel training fund.

The bill was read second time and was passed to engrossment by a viva voce vote.

(Senator Haywood in Chair)

SENATE BILL 1338 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1338** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1619 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1619, Relating to the authority of the Texas Natural Resource Conservation Commission to enter property, remediate certain conditions related to hazardous substances, and recover costs associated with remediation, to the authority of commission contractors to enter property, and to the liability of certain contractors who sign a waste manifest.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1619 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1619** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by the following vote:
Yeas 29, Nays 0. (Same as previous roll call)

(President in Chair)

HOUSE BILL 2341 ON SECOND READING

On motion of Senator Brown, on behalf of Senator Sims, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2341, Relating to research for the control of fire ants.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 2341** as follows:

In Section 1 of the bill, subsection "b", strike the numeral "10" and substitute in lieu thereof the numeral "12".

In Section 1 of the bill, subsection "b", at the end of subparagraph "10", after the word "board", insert the following: "and

(11) one representative of the chemical industry appointed by the Texas Chemical Counsel: and

(12) one representative of the oil and gas industry appointed by the Texas Mid-Continent Oil and Gas Association

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2341 ON THIRD READING

Senator Brown, on behalf of Senator Sims, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2341** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by the following vote:
Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 1582 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1582, Relating to creating the offense of obstruction of justice and the imposition of criminal penalties.

The bill was read second time.

(Senator Cain in Chair)

Senator Turner offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1582** as follows:

- 1) On page 1, line 12, strike "another" and substitute "the other".
- 2) On page 1, line 13, strike "another" and substitute "the other".
- 3) On page 1, line 17, strike "another" and substitute "the other".
- 4) On page 2, line 3, strike "of himself or any other person; or" and substitute "of another:".

- 5) On page 2, line 4, strike Subdivision (2) in its entirety and substitute the following:

(2) conceals, takes, destroys, or alters any physical evidence, record, document, or other thing; or.

- 6) On page 2, line 8, add the following after proposed Subdivision (2):

(3) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent to affect the course or outcome of an investigation or official proceeding.

(4) This Subsection shall not apply if the record, document, or thing concealed is privileged or is the work product of the parties to the investigation or official proceeding.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1582 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1582** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)**MESSAGE FROM THE HOUSE**

House Chamber
May 5, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 60**. The House conferees are: Representatives Wilson, Chair; Carter, Greenberg, Allen, and Luna.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 9**. The House conferees are: Representatives Gray, Chair; Telford, Black, Mowery, and Junell.

The House refused to concur in Senate amendments to **H.B. 1343** and requested the appointment of a conference committee to consider the difference between the two Houses. The House conferees are: Representatives Hightower, Chair; Place, Gray, Farrar, and Telford.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 699**. The House conferees are: Representatives Patterson, Chair; Black, R. Cuellar, Kubiak, and Rabuck.

The House has concurred in Senate amendments to **H.B. 1465** by a record vote of 142 Ayes, 0 Nays, 1 Present-not voting.

The House has concurred in Senate amendments to **H.B. 971** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 383** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 85** by a non-record vote.

The House has adopted the Conference Committee Report on **S.B. 360** with a non-record vote.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

SENATE CONCURRENT RESOLUTION 141

Senator Nixon offered the following resolution:

WHEREAS, **S.B. 550** has passed the Texas Senate and the Texas House of Representatives and is now in the office of the governor; and

WHEREAS, Further consideration of the bill by the senate and the house of representatives is necessary; now, therefore, be it

RESOLVED by the 74th Legislature, That the governor be hereby requested to return **S.B. 550** to the senate for further consideration; and, be it further

RESOLVED, That the action of the President of the Senate and the Speaker of the House in signing **S.B. 550** be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

The resolution was read.

On motion of Senator Nixon and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

(Senator Leedom in Chair)

SENATE BILL 1675 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1675, Relating to powers and duties of the Health and Human Services Commission.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1675** by adding a new SECTION 2 to read as follows and renumbering subsequent sections appropriately:

SECTION 2. Section 12, Article 4413(502), Revised Statutes, is amended to read as follows:

Sec. 12. **PUBLIC INPUT ~~[INTEREST]~~ INFORMATION AND COMPLAINTS.** (a) The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

(b) The commission shall develop and implement routine and ongoing mechanisms, in accessible formats:

(1) to receive consumer input;

(2) to involve consumers in planning, delivery, and evaluation of programs and services under the jurisdiction of the commission; and

(3) to report to the public on the input received and actions taken in response.

(c) The commission shall prepare information of public interest describing the functions of the commission and the commission's procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the public and appropriate state agencies.

(d) ~~(c)~~ The commissioner by rule shall establish methods by which the public, consumers, and service recipients can be notified of the mailing addresses and telephone numbers of appropriate agency personnel for the purpose of directing complaints to the commission. The commission may provide for that notification:

(1) on each registration form, application, or written contract for services of a person or entity regulated by the commission;

(2) on a sign prominently displayed in the place of business of each person or entity regulated by the commission; or

(3) in a bill for service provided by a person or entity regulated by the commission.

(e) ~~(d)~~ The commission shall keep an information file about each complaint filed with the commission relating to:

(1) a license holder or entity regulated by the commission; or

(2) a service delivered by the commission.

(f) [(e)] If a written complaint is filed with the commission relating to a license holder or entity regulated by the commission or a service delivered by the commission, the commission, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless notice would jeopardize an undercover investigation.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1675 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1675 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Barrientos.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 1276 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1276, Relating to the creation and administration of the Crime Victims' Institute and advisory council and the Crime Victims' Institute account.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 1276 as follows:

(1) Strike Subdivision (4) and substitute the following in Section 412.002 of SECTION 1 of the bill:

"(4) provide information related to the studies of the institute." (committee printing page 1, lines 46-51).

(2) Strike Subdivision (5) and substitute the following in Section 412.012 of SECTION 1 of the bill:

"(5) make general recommendations for improving the service delivery systems for victims in the State of Texas;" (committee printing page 2, lines 8-10).

(3) Strike Subdivision (7) in Section 412.012 of SECTION 1 of the bill and renumber the subsequent subdivisions in Section 412.012 appropriately (committee printing page 2, lines 16-18).

(4) Strike Subdivisions (12)-(16) and substitute the following in Section 412.012 of SECTION 1 of the bill and renumber the subsequent subdivisions in Section 412.012 appropriately:

"(12) enter into a memorandum of understanding with the Texas Crime Victims Clearinghouse to provide training and education related to the outcome of research and duties as conducted under Subdivisions (1)-(10);" (committee printing page 2, lines 35-48).

(5) Between "other" and "activities", insert "research" in Subdivision (18) in Section 412.012 of SECTION 1 of the bill (committee printing page 2, line 52).

(6) Strike Section 412.013 in SECTION 1 of the bill and renumber the subsequent sections in Subchapter B of SECTION 1 appropriately (committee printing page 2, lines 54-56).

(7) Strike "and" at the end of Subdivision (14) in Subsection (b), Section 412.051 of SECTION 1 of the bill (committee printing page 3, line 42).

(8) Between "methods" and the period, insert the following in Subdivision (15) in Subsection (b), Section 412.051 of SECTION 1 of the bill:

": and (16) a designee of the governor" (committee printing page 3, line 44).

(9) Strike Section 412.057 in SECTION 1 of the bill and substitute the following:

"Sec. 412.057. DUTIES OF ADVISORY COUNCIL. The advisory council shall advise the institute on issues relating directly to the duties of the institute as set forth under Section 412.012 of this chapter." (committee printing page 3, lines 66-69).

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1276 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1276 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 2355 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2355, Relating to the shipment of alcoholic beverages.

The bill was read second time and was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator West asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 2355 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2355** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: West.

Absent-excused: Ellis, Madla.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

(President in Chair)

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Lucio was granted leave of absence for the remainder of today on account of important business.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 5, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

On April 24, 1995, I submitted the name of Dr. Brant S. Mittler of San Antonio for appointment to the Texas Board of Health for a term to expire February 1, 2001.

I hereby withdraw his nomination for this board and request that the Senate return this appointment to me.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

**MOTION TO PLACE
SENATE BILL 1119 ON SECOND READING**

Senator Bivins moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1119, Relating to the application of the doctrine of forum non conveniens.

The motion was lost by the following vote: Yeas 18, Nays 10. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brown, Galloway, Harris, Haywood, Henderson, Leedom, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Wentworth, Zaffirini.

Nays: Barrientos, Cain, Gallegos, Luna, Moncrief, Rosson, Truan, Turner, West, Whitmire.

Absent-excused: Ellis, Lucio, Madla.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Harris announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 7:45 a.m. Monday, May 8, 1995, and that all bills would be considered on second reading in the order in which they are listed.

HOUSE BILL 280 REREFERRED

On motion of Senator Patterson and by unanimous consent, **H.B. 280** was withdrawn from the Committee on Economic Development and was rereferred to the Committee on Natural Resources.

MOTION TO RECESS

On motion of Senator Truan, the Senate at 11:59 a.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 7:45 a.m. Monday, May 8, 1995, for the Local and Uncontested Bills Calendar.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 1704 by Shapiro Natural Resources
Relating to the review and approval of certain permits by the state, a municipality, or other local governmental agencies.

S.B. 1705 by Lucio Intergovernmental Relations
Relating to the creation of an emergency services district and simultaneous dissolution of a rural fire prevention district.

S.B. 1706 by Lucio Economic Development
Relating to denial of or limitation on health insurance coverage because of a preexisting condition.

S.B. 1707 by Ratliff State Affairs
Relating to the availability of motor vehicle accident reports.

S.B. 1708 by Wentworth, Madla Criminal Justice
Relating to the responsibilities of the district attorney for the 38th Judicial District.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

H.B. 129 to Committee on Economic Development.
H.B. 253 to Committee on Criminal Justice.
H.B. 336 to Committee on Jurisprudence.
H.B. 369 to Committee on Economic Development.
H.B. 384 to Committee on State Affairs.
H.B. 398 to Committee on Finance.
H.B. 418 to Committee on Jurisprudence.
H.B. 546 to Committee on Natural Resources.
H.B. 594 to Committee on Criminal Justice.
H.B. 635 to Committee on Intergovernmental Relations.
H.B. 713 to Committee on Economic Development.
H.B. 740 to Committee on Intergovernmental Relations.
H.B. 741 to Committee on Intergovernmental Relations.
H.B. 796 to Committee on Economic Development.
H.B. 809 to Committee on Criminal Justice.
H.B. 843 to Committee on Natural Resources.
H.B. 869 to Committee on Health and Human Services.
H.B. 955 to Committee on Economic Development.
H.B. 1013 to Committee on Finance.
H.B. 1259 to Committee on Economic Development.
H.B. 1275 to Committee on Criminal Justice.
H.B. 1320 to Committee on Finance.
H.B. 1345 to Committee on Health and Human Services.
H.B. 1419 to Committee on State Affairs.
H.B. 1441 to Committee on Natural Resources.
H.B. 1479 to Committee on Finance.
H.B. 1495 to Committee on Health and Human Services.
H.B. 1536 to Committee on Natural Resources.
H.B. 1537 to Committee on Finance.
H.B. 1589 to Committee on Economic Development.
H.B. 1608 to Committee on Economic Development.
H.B. 1644 to Committee on Natural Resources.
H.B. 1661 to Committee on Jurisprudence.
H.B. 1719 to Committee on State Affairs.

H.B. 1753 to Committee on Criminal Justice.
H.B. 1765 to Committee on Health and Human Services.
H.B. 1785 to Committee on Natural Resources.
H.B. 1899 to Committee on Intergovernmental Relations.
H.B. 1900 to Committee on Natural Resources.
H.B. 1966 to Committee on Jurisprudence.
H.B. 2053 to Committee on State Affairs.
H.B. 2065 to Committee on Economic Development.
H.B. 2119 to Committee on Criminal Justice.
H.B. 2176 to Committee on State Affairs.
H.B. 2189 to Committee on Natural Resources.
H.B. 2197 to Committee on Finance.
H.B. 2216 to Committee on Natural Resources.
H.B. 2268 to Committee on Jurisprudence.
H.B. 2309 to Committee on Education.
H.B. 2318 to Committee on Criminal Justice.
H.B. 2365 to Committee on Natural Resources.
H.B. 2390 to Committee on State Affairs.
H.B. 2443 to Committee on Economic Development.
H.B. 2459 to Committee on Finance.
H.B. 2462 to Committee on Finance.
H.B. 2468 to Committee on Health and Human Services.
H.B. 2525 to Committee on Intergovernmental Relations.
H.B. 2587 to Committee on Natural Resources.
H.B. 2669 to Committee on Health and Human Services.
H.B. 2805 to Committee on Intergovernmental Relations.
H.B. 2839 to Committee on Natural Resources.
H.B. 2929 to Committee on State Affairs.
H.B. 3032 to Committee on Natural Resources.
H.B. 3179 to Committee on Natural Resources,
Subcommittee on Water.
H.B. 3211 to Committee on Natural Resources.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 114**

Senator Rosson submitted the following Conference Committee Report:

Austin, Texas
May 4, 1995

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 114** have met

and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ROSSON
MONTFORD
TRUAN
BARRIENTOS
BROWN

On the part of the Senate

WILLIS
RANGEL
OGDEN
RAYMOND
NAISHTAT

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to exempting certain veterans of the armed forces, the surviving children of certain members of the armed forces, and other persons with military-related service from tuition, fees, and charges at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.203, Education Code, is amended by amending Sections 54.203(a) and (b) and adding a new subsection (c) to read as follows:

(a) The governing board of each institution of higher education shall exempt the following persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding property deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the persons seeking the exemptions ~~[demonstrate financial need as defined by the Texas Higher Education Coordinating Board;]~~ were citizens of Texas at the time they entered the services indicated[;] and have resided in Texas for at least the period of 12 months before the date of registration:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the Spanish-American War or during World War I;

(2) all nurses, members of the Women's Army Auxiliary Corps, members of the Women's Auxiliary Volunteer Emergency Service, and all honorably discharged members of the armed forces of the United States who served during World War II except those who were discharged from service because they were over the age of 38 or because of a personal request on the part of the person that he be discharged from service;

(3) all honorably discharged men and women of the armed forces of the United States who served during the national emergency which began on June 27, 1950, and which is referred to as the Korean War; and

(4) all persons who were honorably discharged from the armed forces of the United States after serving on active military duty, excluding training, for more than 180 days and who served a portion of their active duty during:

(A) the Cold War which began on the date of the termination of the national emergency cited in Subdivision (3) of this subsection; or[-]

(B) the Vietnam era which began on December 21, 1961, and ended on May 7, 1975; or

(C) the Grenada and Lebanon era which began on August 24, 1982 and ended on July 31, 1984; or

(D) the Panama era which began on December 20, 1989, and ended on January 21, 1990; or

(E) the Persian Gulf War which began on August 2, 1990, and ends on the date thereafter prescribed by Presidential proclamation or September 1, 1997, whichever occurs first; or

(F) any future national emergency declared in accordance with federal law.

(b) The exemptions provided for in Subsection (a) of this section also apply and inure to the benefit of the children of members of the armed forces of the United States who are or were killed in action, who die or died while in service, who are missing in action, or whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States, and to the benefit of orphans of members of the Texas National Guard and the Texas Air National Guard killed since January 1, 1946, while on active duty either in the service of their state or the United States. However, to qualify for this exemption a person must be a citizen of Texas[~~must demonstrate financial need as defined by the Texas Higher Education Coordinating Board;~~] and must have resided in the state for at least 12 months immediately preceding the date of the person's [his] registration.

(c) The exemptions provided for in Subsection (a) of this section shall not exceed a cumulative total of 150 credit hours.

SECTION 2. This Act applies to tuition, fees, and charges imposed beginning with the fall semester 1995.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was filed with the Secretary of the Senate.

MEMORIAL RESOLUTION

S.R. 933 - By Brown: In memory of William C. Pool of San Marcos.

CONGRATULATORY RESOLUTIONS

S.C.R. 140 - By Turner: Designating the week beginning November 5, 1995, as "Texas Women Veterans Recognition Week."

S.R. 929 - By Brown: Congratulating Mr. and Mrs. Allen Clapp on their 50th wedding anniversary.

S.R. 930 - By Cain: Congratulating Mr. and Mrs. John H. Wallace, Jr., on their 50th wedding anniversary.

S.R. 931 - By Harris: Commending the 1995 Chisholm Trail Round-Up organization for its contributions to the preservation of our western heritage.

S.R. 932 - By West: Commending Arthur Gillum for his many years of service to the Dallas Independent School District.

S.R. 934 - By Sims: Congratulating Mr. and Mrs. John E. Bohannon of Ozona on their 65th wedding anniversary.

S.R. 935 - By Moncrief: Congratulating Christina Manzano, who was named to the Association of Science and Technology Center's Honor Roll by the Fort Worth Museum of Science and History.

S.R. 936 - By Nixon: Recognizing the grandparents of the South East Texas Foster Grandparent Program for their contributions to their communities.

H.C.R. 115 - (Nelson): Commending John Gordon for his service to the residents of The Colony.

H.C.R. 116 - (Nelson): Commending Bill Longo for his service to the residents of The Colony.

H.C.R. 131 - (Haywood): Congratulating Dr. Carol Diann Smith Surles on her selection as the ninth president of Texas Woman's University.

RECESS

Pursuant to a previously adopted motion, the Senate at 12:04 p.m. recessed until 7:45 a.m. Monday, May 8, 1995, for the Local and Uncontested Bills Calendar.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 4, 1995

FINANCE — H.B. 1611, H.B. 356, H.B. 3116, H.B. 623, H.B. 1877, S.B. 1689, S.B. 1508, S.B. 1629, H.B. 2624 (Amended), S.B. 1207 (Amended)

May 5, 1995

NATURAL RESOURCES — H.B. 2387, S.B. 1693, H.B. 2473, H.B. 1463, S.B. 1589, H.B. 1226, S.B. 933 (Amended)

STATE AFFAIRS — S.B. 1677 (Amended), H.B. 1979, H.B. 247, S.B. 1701, S.C.R. 127, S.B. 1681, H.C.R. 85, S.B. 901, H.B. 2732, S.B. 1089, S.B. 1525, S.B. 1225, C.S.S.B. 1352, C.S.S.B. 218, C.S.S.B. 411

SENT TO GOVERNOR

(May 5, 1995)

S.C.R. 16	S.B. 872
S.B. 279	S.B. 897
S.B. 366	S.B. 1229
S.B. 401	S.B. 1329
S.B. 403	

SIXTY-FIFTH DAY

(Continued)

(Monday, May 8, 1995)

AFTER RECESS

The Senate met at 7:45 a.m. and was called to order by Senator Harris.

SENATORS ANNOUNCED PRESENT

Senator Ellis, who had previously been recorded as "Absent-excused," was announced "Present."

Senator Lucio, who had previously been recorded as "Absent-excused," was announced "Present."

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed (vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill):

H.C.R. 81 (Ellis) Recognizing Black History Month, February 1995, and providing for a historical volume and Capitol exhibit chronicling the contributions of 19th-century African-American legislators. (vv)

H.C.R. 160 (Moncrief on behalf of Harris) Authorizing the lieutenant governor and speaker to create joint committees by mutual agreement. (vv)

C.S.H.B. 475 (Moncrief on behalf of Harris) Relating to the right to divert state water for irrigation of certain cemeteries. (30-0) (30-0)

H.B. 596 (Montford) Relating to exempting sales by university and college student organizations from the state sales tax. (30-0) (30-0)